



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,215	04/28/2000	Max Levchin	X00-001	3676

7590 08/28/2002

Park & Vaughan  
702 Marshall Street  
Suite 310  
Redwood City, CA 94063-1824

EXAMINER

BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/560,215	LEVCHIN ET AL.
	Examiner	Art Unit
	Alain L. Bashore	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 15 April 2002.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-37 and 39-44 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-37 and 39-44 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 15 April 2002 is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .                    6) Other: \_\_\_\_\_ .

## **DETAILED ACTION**

1. This office action made final restarts the time for applicant to respond to the finality of the previous office action.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added negative claim limitation to "without requiring direct communication between the users" does not appear to be originally disclosed and is therefore considered new matter.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-6, 8-11, 24-28, and 34-37, 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kasai et al.

Doggett et al discloses what is described in the previous office action.

Doggett et al does not disclose sending notification before a value is: allocated, transferred, or connection is received from a second party/user.

Kasai et al discloses notification to both parties/users (col 5, lines 20-67; col 6, lines 1-19) for an electronic money payment.

It would have been obvious to one with ordinary skill in the art to include sending notification before a value is: allocated, transferred, or a connection is received from a second party/user because of what is taught by Kasai et al. Kasai et al teaches notification for purposes of verifying if correct parties/users are connected (col 5, lines 30-32).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kasai et al as applied to claims 1-6, 8-11, 24-28, and 34-38 above, and further in view of Remington.

The reference to Remington is applied as described in the previous office action.

7. Claims 12-19 and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kasai et al as applied to claims 1-6, 8-11, 24-28, and 34-38 above, and further in view of Nikander et al.

The reference to Nikander et al is applied as described in the previous office action.

8. Claims 20-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kasai et al as applied to claims 1-6, 8-11, 24-28, and 34-38 above, and further in view of Downing et al.

The reference to Downing et al is applied as described in the previous office action.

### ***Response to Arguments***

9. Applicant's arguments filed 7-13-02 have been fully considered but they are not persuasive.

The recitation to "without requiring direct communication between the users" is not considered further distinguishing over the reference to Doggett. Any electronic transmission that routes through a network, including Doggett's invention, would be indirect as broadly claimed by applicant.

The recitation to "sending notification of said value exchange transaction from the value exchange system" is not considered further distinguishing over the reference to Doggett. Since notification is inherent to the movement of any value exchange, and

there is no further defining as to where the notification must originate in the claims, then since the system is transferring the value exchange it is also sending notification along with it.

The recitation to “registering a first user with the value exchange system, wherein the first user is assigned a first account with the value exchange system” is not considered to further distinguishing over the reference to Doggett et al. Since Doggett et al apparently distinguishes some type of registering function, including the formation of a separate accounting feature the reference to Doggett et al meets the claim recitation. The claim is not further limiting as to preclude linkage between previous assigned accounts.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:30 am to 5:00 pm (Alternate Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.

  
Alain L. Bashore  
August 19, 2002

  
VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600